

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

**JAMES D. JOHNSON, AS NEXT FRIEND TO
OLIVIA Y., ET AL.**

PLAINTIFFS

VS.

CIVIL ACTION NO.3:04-CV-251-TSL-FKB

**PHIL BRYANT, AS GOVERNOR OF THE
STATE OF MISSISSIPPI, ET AL.**

DEFENDANTS

**DEFENDANTS' MOTION TO EXCEED PAGE LIMITATION IN RESPONSE TO
PLAINTIFFS' RENEWED MOTION FOR CONTEMPT, FOR AN EVIDENTIARY
HEARING AND FOR THE APPOINTMENT OF A RECEIVER**

Defendants respectfully request the Court to allow Defendants' response memorandum in opposition to Plaintiffs' Renewed Motion for Contempt, for an Evidentiary Hearing and for the Appointment of a Receiver, to exceed the thirty-five page limitation. In addition, Defendants respectfully request that they be relieved from filing a supporting memorandum of authorities due to the self-explanatory nature of this Motion. In support of this Motion, Defendants state as follows:

1. Rule 7(b)(5) of the Uniform Local Rules for the Northern and Southern Districts of Mississippi provides that a respondent's memorandum brief may not exceed a total of thirty-five pages.
2. The Court granted Plaintiffs' request for permission to allow their original and rebuttal memorandums to exceed thirty-five pages.

3. Counsel for Defendants is aware that excessively long filings are not appropriate and every effort will be made to limit the response memorandum.

4. Counsel for the Defendants contacted Plaintiffs' counsel about this Motion. Plaintiffs do not oppose this request.

WHEREFORE PREMISES CONSIDERED, Defendants respectfully request that this Court allow Defendants' responsive memorandum briefs to exceed the thirty-five page limit.

Respectfully submitted, this the 10th day of June, 2015.

/s/ Dewitt L. ("Rusty") Fortenberry, Jr.
Dewitt L. ("Rusty") Fortenberry, Jr. (MSB #5435)
Kenya Key Rachal (MSB # 99227)
Ashley Tullos Young (MSB # 101839)
BAKER, DONELSON, BEARMAN, CALDWELL
& BERKOWITZ, PC
4268 I-55 North
Meadowbrook Office Park
P.O. Box 14167
Jackson, Mississippi 39211
Telephone: (601) 351-2400
Facsimile: (601) 351-2424

Harold Pizzetta, III, Esq.
Assistant Attorney General
General Civil Division
Carroll Gartin Justice Building
430 High Street
Jackson, MS 39201
Telephone: (601) 359-3816
Facsimile: (601) 359-2003

CERTIFICATE OF SERVICE

I, Dewitt L. Fortenberry, Jr., do hereby certify that I have on this day, electronically filed a true and correct copy of the forgoing document with the Clerk of Court using the ECF system which sent notifications of such to counsel as follows:

Marcia Robinson Lowry
Sara R. Robinson-Glasser
A BETTER CHILDHOOD, INC.
1095 Hardscrabble Road
Chappaqua, New York 10510

W. Wayne Drinkwater, Jr.
BRADLEY ARANT ROSE & WHITE, LLP
188 East Capitol Street, Suite 450
Jackson, MS 39201

Christian D. Carbone
John Piskora
LOEB & LOEB, LLP
345 Park Avenue
New York, New York 10154

SO CERTIFIED, this the 10th day of June, 2015.

/s/ Dewitt L. ("Rusty") Fortenberry, Jr.